

## CHAPTER 34.

- \* 1798, ch. 101. A further SUPPLEMENT to the ACT, entitled, an Act for the amending, and reducing into system, the Laws and Regulations concerning last Wills and Testaments, the duties of Executors, Administrators and Guardians, and the rights of Orphans and other Representatives of deceased persons.

See notes to the original law, ante page 370.

No nuncupative will to be good where estate bequeathed exceeds \$300, unless proved by three witnesses, &c.

SEC. 1. *Be it enacted, by the General Assembly of Maryland,* That no nuncupative will hereafter to be made shall be good, where the estate thereby bequeathed shall exceed the value of three hundred dollars, that is not proved by the oaths of three witnesses at the least who were present at the making thereof, nor unless it be proved that the testator, at the time of pronouncing the same, did bid the persons present, or some of them, to bear witness that such was his will, or to that effect, nor unless such nuncupative will were made in the time of the last sickness of the deceased, and in the house of his or her habitation or dwelling or where he or she hath been resident for the space of ten days or more next before the making of such will, except where such person was surprised or taken sick, being from his own home, and died before he or she returned to the place of his or her dwelling.

Six months after speaking pretended testamentary words, no testimony to be received unless committed to writing, &c.

SEC. 2. *And be it enacted,* That six months after the speaking of the pretended testamentary words, no testimony shall be received to prove any will nuncupative, except the said testimony, or the substance thereof, were committed to writing within six days after the making of the said will; but any soldier, being in actual military service, or any mariner or seaman, being at sea, may dispose of his moveables, wages and personal estate, as he or they might have done before the passing of this act.

No will in writing to be repealed or altered except in life-time of testator committed to writing, &c.

SEC. 3. *And be it enacted,* That no will in writing concerning any goods or chattels, or personal estate, shall be repealed, nor shall any clause, devise or bequest therein, be altered or changed by word of mouth only, except the same be in the life-time of the testator committed to writing, and after the writing thereof read unto the testator, and allowed by him, and proved to be so done by three witnesses at the least.

No devise, &c. to lapse by death of any devisee named in will, &c.

SEC. 4. *And be it enacted,* That from and after the passage of this act, no devise, legacy or bequest, shall lapse or fail of taking effect by reason of the death of any devisee or legatee named in any last will or testament, or any codicil thereto, in the life-time of the testator, but every such devise, legacy or bequest, shall have the same effect and operation in law to transfer the right, estate and interest, in the property mentioned in such devise or bequest, as if such devisee or legatee had survived the testator.